

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JAMES L. HALL,

Plaintiff,

vs.

LT. SELF, et al.,

Defendants.

Case No. 3:05-cv-00219-JWS

ORDER GRANTING
MOTION TO REOPEN

James L. Hall, representing himself, has filed a motion to reopen his civil rights case.¹ Mr. Hall filed his motion to reopen within the 1-year time period after judgment as required for reasons (1), (2) and (3) of Rule 60(b). Mr. Hall claims that his legal documents were not forwarded to him during prison transfers, which constitutes excusable neglect on his part, and/or misconduct of an adverse party, under Rule 60(b).²

¹ See Docket No. 10.

² See FED. R. CIV. P. 60(b) (relief from final judgment or order may be granted for “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud . . . ,

IT IS HEREBY ORDERED that:

1. Mr. Hall's motion to reopen his case, at docket number 10, is GRANTED;
2. Mr. Hall must comply with this Court's order at docket number 7, and file an amended application to waive the filing fee, on or before July 26, 2006;
3. The Clerk of Court is directed to send Mr. Hall an application to waive the filing fee for non-prisoners, form PS11, with instructions; and
4. No action will be taken on Mr. Hall's motion to obtain copies of the documents in this action, at docket number 11, until Mr. Hall fully complies with this Order.

DATED this 26th day of June, 2006, at Anchorage, Alaska.

/s/JOHN W. SEDWICK
United States District Judge

misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or . . . reversed or otherwise vacated . . . ; or (6) any other reason justifying relief from the operation of judgment").